

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 1:18-cr-02945-WJ

JANY LEVEILLE,  
SIRAJ IBN WAHHAJ,  
HUJRAH WAHHAJ,  
SUBHANAH WAHHAJ, and  
LUCAS MORTON,

Defendants.

**ORDER AND NOTICE OF HEARING**

THIS MATTER comes before the Court upon Defendants' *Motion to Suppress Evidence Derived as a Result of a Search Warrant for Unit 2, Lot 28 in Costilla Meadows, Taos County, New Mexico and Memorandum in Support Thereof* ("Motion") (Doc. 471). Defendants have requested a hearing on the Motion. Doc. 586 (reply) at 8. Having reviewed the Motion, the United States' Response to the Motion (Doc. 566) and Defendants' Reply (Doc. 586), the Court has decided to bifurcate the requested hearing on the Motion and will first address the issue of standing separate and apart from the other issues raised in the Motion. Defendants, as proponents of the Motion, bear the burden of proving that their Fourth Amendment rights were violated, which includes proving that they had a reasonable expectation of privacy in the area searched. *See Rakas v. Illinois*, 439 U.S. 128, 130 n.1 (1978); *United States v. Rascon*, 922 F.2d 584, 586 (10th Cir. 1990).

The Court shall hold a hearing on the issue of whether Defendants have standing to assert the various suppression issues raised in the Motion on February 9, 2023, to begin immediately following the CIPA Pretrial Conference (Doc. 594).

**IT IS SO ORDERED.**



CHIEF UNITED STATES DISTRICT JUDGE